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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/579,031

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EXAMINER

CHAN, SING P

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/579,031	<b>Applicant(s)</b> ARAGONES MARTINEZ ET AL.	
	<b>Examiner</b> SING P. CHAN	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

1. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: "points of glue" and "glueing point" are used to refer to adhesive pattern on the sheet as well as to the device for removing adhesive on a ruler guide, which is confusing. Furthermore, number of misspelled words such as "glueing" throughout the specification and "unnecessary" on page 4, line 1.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the glueing point" is attacked by a surface to avoid accumulation of glue on the wall of the glueing point must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

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and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 5-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In this case, the recitation of "glueing point between sheets constitute the bag present surface of attack on the glue which avoids the accumulation of glue on the walls of the glueing point" is unclear and the specification does not provide an explanation as to how a glueing point provide a surface of attack on the glue to avoid accumulation of glue on the walls of the glueing point. The specification is unclear as to the nature of the invention, since on Page 5, lines 16-19 recite the glueing point is used to facilitates

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the impregnation of the glue and the glueing points are mounted on a ruler guide (8), which at the same time mounted on the roller applicator, (See Specification, Page 8, lines 6-14), While stating the glueing point would attack the glue with its less longer side and facilitating the evacuation of the spare glue (See Specification, Page 8, line 29 to Page 9, line 7). Furthermore, the amount of direction provided by the inventor is unclear, since the specification only states the glueing point is mounted on the ruler guide (8), which is also mounted on the application roller, but not exactly where on the roller and how it would function to attack the glue points. There is also a lack of working example or experimentation needed to make or use the invention. The prior art is also not replete with teachings of what such a term would mean in the claim. One of ordinary skill in the art would require undue experimentation to determine how such "glueing point between sheets constitute the bag present surface of attack on the glue which avoids the accumulation of glue on the walls of the glueing point". Therefore, claims 5-10 had not been examined on the merit.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

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8. Claim 1 recites the limitation "the plate" in line 2. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 1 recites the limitation "the flaps" in line 2. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 1 recites the limitation "reinforcement strip" in line 3. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 1 recites the limitation "the bottoms" in line 3. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 1 recites the limitation "the glueing point" in line 4. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 2 recites the limitation "the glueing roller" in line 6. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 2 recites the limitation "crests" in line 6. There is insufficient antecedent basis for this limitation in the claim.

15. Claim 2 recites the limitation "valleys or grooves" in line 7. There is insufficient antecedent basis for this limitation in the claim.

16. Claim 5 recites the limitation "the walls" in line 5. There is insufficient antecedent basis for this limitation in the claim. In claim 5, it is not clear what the term, "glueing point between sheets constitute the bag present surface of attack on the glue which avoids the accumulation of glue on the walls of the glueing point", means.

17. Claim 8 recites the limitation "the ruler guide" in line 4. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

18. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

19. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipates by admitted prior art (APA).

The admitted prior art (APA) discloses a system for forming bags. The system includes a roller applicator with a plate and gluing point, which at lower speed would, avoids spattering and reducing consumption of the glue. (See Specification, Page 2, line 32 to Page 3, line 17)

***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art (APA), as applied to claim 1, further in view of McDowell (U.S. 3,269,643).

APA is silent as to plate includes crest with valley or grooves with the adhesive being applied to the crest of the plate. However, applying adhesive to the crest of the

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plate is well known and conventional as shown for example by McDowell. McDowell discloses an apparatus for forming bags. The apparatus includes a printing roll with a rubber cover or plate with plurality of protuberances or projections characterizing lands with intervening undercut or depression defining grooves (Col 2, lines 60-67).

Furthermore, McDowell discloses other planar, geometric pattern such as diamonds, circle, annuli, or triangle (Col 2, lines 68-71). The printing roll rotates in contact with a transfer roll and in turn in contact with a fountain roll. The fountain roll is partially submerged in liquid adhesive and as the fountain roll rotate, it pick up a film of adhesive, transferring the film of adhesive to the transfer roll, and then transferring the film to the lands of the printing roll and applying the adhesive pattern to the sheets (Col 3, lines 4-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a printing roll with a rubber cover or plate with the desired geometric pattern to print the desired adhesive pattern onto the sheet for lamination as disclosed by McDowell in the apparatus of APA to provide a means to continuously of forming a laminated web for forming bags and sacks (See McDowell, Col 3, lines 16-27).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SING P. CHAN whose telephone number is (571)272-1225. The examiner can normally be reached on Monday-Thursday 7:30AM-11:00AM and 12:00PM-4:00PM.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip C. Tucker can be reached on 571-272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sing P Chan/  
Acting Examiner of Art Unit 1791

/Philip C Tucker/  
Supervisory Patent Examiner, Art Unit 1791